

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHRISTOPHER GLENN §
v. § CIVIL ACTION NO. 6:16cv1225
LT. DODD, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Christopher Glenn, a former prisoner of the Texas Department of Criminal Justice, Correctional Institutions Division now confined in Colorado, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights during his confinement in the Gregg County Jail. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The named Defendants are Warden Robert Stevens, classification chief Susan Womack, Major Charles Meador, Regional Director Matt Gross, Lt. Jonathan Dodd, and an unknown shift supervisor at the Huntsville Unit, who has never been identified or served.

Glenn complained that prison officials were deliberately indifferent to his safety, resulting in his being assaulted by an inmate named Christopher Yawn. The Defendants filed a motion for summary judgment arguing that Warden Stevens and Assistant Regional Director Gross lacked personal involvement in any constitutional deprivation, Glenn did not allege that he had been injured and the medical records showed that he had not been injured in the assault, Glenn's complaints about his grievances being denied did not set out a constitutional violation, Glenn failed to state a viable claim for negligence under state law, and the Defendants are entitled to qualified immunity. Despite being granted an extension of time and the Court sending him copies of his original complaint, the

motion for summary judgment, and the evidence attached to the motion, Glenn did not file a response to the Defendants' motion for summary judgment.

After reviewing the pleadings and evidence, the Magistrate Judge issued a Report on July 12, 2019 recommending that the motion for summary judgment be granted and the claims against those Defendants dismissed with prejudice. The Magistrate Judge also recommended that the claims against the unknown shift supervisor be dismissed with prejudice for purposes of proceeding *in forma pauperis* and that the Plaintiff's supplemental state law claims be dismissed without prejudice with the statute of limitations suspended for 30 days.

A copy of this Report was sent to Glenn at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 124) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the motion for summary judgment by the Defendants Warden Stevens, Classification Chief Womack, Major Meador, Regional Director Gross, and Lt. Dodd (docket no. 114) is **GRANTED** and the claims against these Defendants are **DISMISSED WITH PREJUDICE**. It is further

ORDERED that the claims against the unknown shift supervisor are **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* for failure to state a claim upon which relief may be granted. It is further

ORDERED that the Plaintiff's supplemental state law claims are **DISMISSED WITHOUT PREJUDICE** to their refiling in state court, with the statute of limitations suspended on these claims during the pendency of this lawsuit and for 30 days after it is dismissed. 28 U.S.C. §1367(d). Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered and Signed

Sep 23, 2019



Ron Clark, United States District Judge